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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR § 1.53(b))

Attorney Docket No.	4002-3021/PC765.00
First Inventor	Lukas Eisermann
Title	EXPANDABLE INTERVERTEBRAL IMPLANT
Express Mail Label No.	EL984269275US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents

ADDRESS TO: Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
17497 U.S.P.T.O.
10/7/04 1

- | | | | |
|---|---|-------------------------------------|--|
| 1. <input checked="" type="checkbox"/> | *Fee Transmittal Form (e.g., PTO/SB/17)
(submit an original and a duplicate for fee processing) | 7. <input type="checkbox"/> | CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix) |
| 2. <input type="checkbox"/> | Applicant claims small entity status.
See 37 CFR 1.27. | 8. <input type="checkbox"/> | Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary) |
| 3. <input checked="" type="checkbox"/> | Specification
(preferred arrangement set forth below) | a. <input type="checkbox"/> | Computer Readable Form (CRF) |
| | - Descriptive title of the Invention | b. <input type="checkbox"/> | Specification Sequence Listing on: |
| | - Cross References to Related Applications | i. <input type="checkbox"/> | CD-ROM or CD-R (2 copies); or |
| | - Statement Regarding Fed sponsored R & D | ii. <input type="checkbox"/> | paper |
| | - Reference sequence listing, a table, or a computer program listing appendix or computer program listing appendix | c. <input type="checkbox"/> | Statements verifying identity of above copies |
| | - Background of the Invention | | |
| | - Brief Summary of the Invention | | |
| | - Brief Description of the Drawings (if filed) | | |
| | - Detailed Description | | |
| | - Claim(s) | | |
| | - Abstract of the Disclosure | | |
| 4. <input checked="" type="checkbox"/> | Drawing(s) (35 U.S.C. 113) [Total Sheets 3] | | |
| | <input checked="" type="checkbox"/> Informal <input type="checkbox"/> Formal | | |
| 5. Oath or Declaration | [Total Pages 4] | | |
| a. <input checked="" type="checkbox"/> | Newly executed (original or copy) | | |
| b. <input type="checkbox"/> | Copy from a prior application (37 C.F.R. § 1.63(d))
(for continuation/divisional with Box 18 completed) | | |
| i. <input type="checkbox"/> | <u>DELETION OF INVENTOR(S)</u>

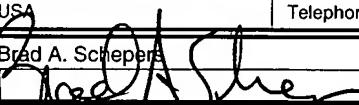
Signed statement attached deleting inventor(s)
named in the prior application, see 37 C.F.R. §§
1.63(d)(2) and 1.33(b). | | |
| 6. <input type="checkbox"/> | Application Data Sheet. See 37 CFR 1.76 | | |
| 9. <input checked="" type="checkbox"/> | Assignment Papers (cover sheet & document(s)) | | |
| 10. <input type="checkbox"/> | 37 C.F.R. § 3.73(b) Statement
(when there is an assignee) | <input type="checkbox"/> | Power of Attorney |
| 11. <input type="checkbox"/> | English Translation Document (if applicable) | | |
| 12. <input checked="" type="checkbox"/> | Information Disclosure Statement (IDS)/PTO-1449 | <input checked="" type="checkbox"/> | Copies of IDS
Citations
(4-Foreign) |
| 13. <input type="checkbox"/> | Preliminary Amendment | | |
| 14. <input checked="" type="checkbox"/> | Return Receipt Postcard (MPEP 503)
(Should be specifically itemized) | | |
| 15. <input type="checkbox"/> | Certified Copy of Priority Document(s)
(if foreign priority is claimed) | | |
| 16. <input type="checkbox"/> | Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i).
Applicant must attach form PTO/SB/35 or its equivalent. | | |
| 17. <input type="checkbox"/> | Other: _____ | | |

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation Divisional Continuation-in-part (CIP) of prior application No: _____
 Prior application information: Examiner: _____ Group / Art Unit: _____

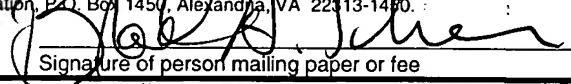
For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number:	OR	<input checked="" type="checkbox"/> Correspondence address below			
Name	Woodard, Emhardt, Moriarty, McNett & Henry LLP				
Address	Bank One Center/Tower 111 Monument Circle, Suite 3700				
City	Indianapolis	State	IN	Zip Code	46204-5137
Country	USA	Telephone	(317) 634-3456	Fax	(317) 637-7561
Name (Print/Type)	Bred A. Schepers	Registration No. (Attorney/Agent)	45,431		
Signature			Date	December 11, 2003	

Express Mail Label Number EL984269275US**Date of Deposit December 11, 2003**

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR Section 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Mail Stop Patent Application, P.O. Box 1450, Alexandria, VA 22313-1450.



This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS: SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

16638

121103

**FEE TRANSMITTAL
FOR FY 2003**

Effective 01/01/2003. Patent fees are subject to annual revision.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27	Examiner Name	Unknown
Total Amount of Payment	(\$)	1,788.00

<i>Complete if Known</i>	
Application Number	New
Filing Date	December 11, 2003
First Named Inventor	Lukas Eisermann
Group Art Unit	Unknown
Attorney Docket Number	4002-3021/PC765.00

METHOD OF PAYMENT

Check Credit card Money Other Order None

Deposit Account:

Deposit Account Number
23-3030

Deposit Account Name
Woodard, Emhardt, Moriarty,
McNett & Henry LLP

The Commissioner is authorized to: (*check all that apply*)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application, excluding the payment of issue fees
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility Filing Fee	770
1002	340	2002	170	Design Filing Fee	
1003	530	2003	265	Plant Filing Fee	
1004	770	2004	385	Reissue Filing Fee	
1005	160	2005	80	Provisional Filing Fee	
SUBTOTAL (1)					(\$ 770.00)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee From Below	Fee Paid
60	-20** =	40	X 18 = 720
6	-3** =	3	X 86 = 258
Multiple Dependent			=

Large Entity	Small Entity	Fee Description
Fee Code	Fee (\$)	
1202	18	2202 9 Claims in excess of 20
1201	86	2201 43 Independent claims in excess of 3
1203	290	2203 145 Multiple dependent claim, if not paid
1204	86	2204 43 **Reissue independent claims over original patent
1205	18	2205 9 **Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$ 978.00)

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

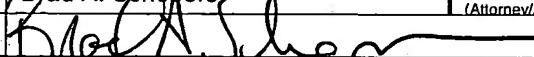
Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)		
1051	130	2051 65 Surcharge – late filing fee or oath	
1052	50	2052 25 Surcharge – late provisional filing fee or cover sheet	
1053	130	1053 130 Non-English specification	
1812	2,520	1812 2,520 For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804 920* Requesting publication of SIR prior to Examiner's Action	
1805	1,840*	1805 1,840* Requesting publication of SIR after Examiner's Action	
1251	110	2251 55 Extension for reply within first month	
1252	420	2252 210 Extension for reply within second month	
1253	950	2253 475 Extension for reply within third month	
1254	1,480	2254 740 Extension for reply within fourth month	
1255	2,010	2255 1,005 Extension for reply within fifth month	
1401	330	2401 165 Notice of Appeal	
1402	330	2402 165 Filing a brief in support of an appeal	
1403	290	2403 145 Request for oral hearing	
1451	1,510	1451 1,510 Petition to institute a public use proceeding	
1452	110	2452 55 Petition to revive – unavoidable	
1453	1,330	2453 665 Petition to revive – unintentional	
1501	1,330	2501 665 Utility issue fee (or reissue)	
1502	480	2502 240 Design issue fee	
1503	640	2503 320 Plant issue fee	
1460	130	1460 130 Petitions to the Commissioner	
1807	50	1807 50 Petitions related to provisional applications	
1806	180	1806 180 Submission of Information Disclosure Stmt	
8021	40	8021 40 Recording each patent assignment per property (times number of properties)	40
1809	770	2809 385 Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810 385 For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801 385 Request for Continued Examination (RCE)	
1802	900	1802 900 Request for expedited examination of a design application	
Other Fee (specify)			

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 40.00)

SUBMITTED BY

Name (Print/Type)	Brad A. Scheipers	Registration No. (Attorney/Agent)	45,431	Telephone	(317) 634-3456
Signature				Date	December 11, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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